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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wynalda  
Serial No: 09/883,619 Examiner: Chevalier, Alicia Ann  
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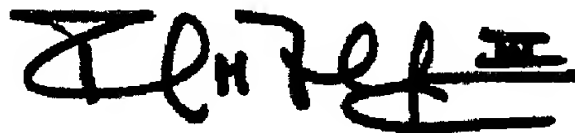
APPEAL BRIEF

Sir:

This revised appeal brief is submitted after the Notice of Appeal.

The Applicant respectfully requests the entry and consideration of this Appeal Brief.

The Applicant respectfully requests a decision in favor of the patentability of the claims.



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Fred H. Zollinger, III  
Reg. No. 39,438

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**(i) Real Party in Interest.**

This patent application is owned by one of the joint inventors, Robert Martin Wyalda, Jr., of Comstock Park, Michigan. The patent application is licensed to Wyalda Litho, Inc. of Belmont, Michigan. Information about the company may be found at [www.wynaldalitho.com](http://www.wynaldalitho.com).

**(ii) Related Appeals and Interferences.**

There are no related interference procedures presently pending or contemplated.

**(iii) Status of Claims.**

Claims 7-15, 23, 27, 28, 30-32, and 34-39 are pending. Claims 7-15, 23, 27, 28, 30-32, and 34-39 are rejected and appealed.

Claims 1-6, 16-22, 24-26, 29 and 33 are canceled.

**(iv) Status of Amendments.**

The Applicant did not file any amendments subsequent to the current rejection.

**(v) Summary of Claimed Subject Matter.**

**Independent Claim 7**

Claim 7 recites the structure of a CD or DVD storage container (reference numeral 10, specification page 3, lines 2-17) for holding multiple discs and for providing multiple locations for printed graphics (page 9, line 7). Independent claim 7 requires the container (10) to include a paperboard cover (20, page 5, line 11) having a front cover member (24, page 5, line 13), a rear cover member (26, page 5, line 13), and a spine (28, page 5, line 13) disposed between the front (24) and rear (26) cover members.

The container of claim 7 includes at least one substantially rigid page (22, page 5, lines 11-12) includes a structure (42, page 7, line 15) adapted to hold at least one item of recorded media. The page (22) has first and second side surfaces (FIG. 6, page 7, line 20) with the structure (42) adapted to hold at least one item of recorded media disposed on one of the first and second sides of the page (22). Claim 7 also requires each page (22) to be adapted to hold two items of recorded media (page 7, line 17). Claim 7 also requires that each page (22) is formed from two page halves (44, page 7, lines 18-22) that are connected together in a back to back arrangement so that two discs are accessible from opposite sides of each page (22).

Claim 7 further requires the page (22) to have at least one edge (70, page 9, line 12) connected to the spine (28) with an adhesive (72, page 9, line 14) to connect the page (22) to the cover (20). The page edges are depicted in FIGS. 7-10. The edge (70) of the page (22) defines a pocket (see FIGS 7-10, page 9, lines 14-16) that is V-shaped in cross section to provide a pocket for the adhesive (72). The V-shaped pocket (shown in FIGS 7-10 filled with adhesive 72) having an apex disposed directly between the first and second sides of the page (22). The pocket is indented into the edge (70) as shown in FIGS. 7-10.

The front (24) and rear (26) cover members are moveable between open (FIGS. 3-4 and 7-11) and closed (FIGS. 1-2) positions (page 5, lines 15-17).

#### Independent Claim 27

Claim 27 recites the structure of a CD or DVD storage container (reference numeral 10, specification page 3, lines 2-17) for holding multiple discs and for providing multiple locations for printed graphics (page 9, line 7). The container structure recited in claim 27 requires the container (10) to include a paperboard cover (20, page 5, line 11) having a front cover member (24, page 5, line 13), a rear cover member (26, page 5, line 13), and an outer spine (28, page 5, line 13) disposed between the front (24) and rear (26) cover members. The spine (28) is a unitary body having an outer surface and an inner surface as shown in FIGS 7-10 with at least the outer surface of the outer spine (see FIGS 2 and 7-10) being exposed for viewing when the cover (20) is closed.

A substantially rigid page (22, page 5, lines 11-12) adapted to hold a pair of disc-shaped items of recorded media. The page (22) has at least one edge (70, page 9, line 12) connected to the inner surface of the outer spine (28) with an adhesive (72, page 9, line 14) to connect the page (22) to the cover (20).

Claim 27 further requires the page (22) to have first and second page halves (44, page 7, lines 18-22) with the first and second page halves (44) having been separately formed and joined together back-to-back (see FIG. 6, page 7, lines 18-20) to form the substantially rigid page. Each of the page halves (44) has a disc holding hub (42, page 7, line 15) adapted to hold a disc-shaped item of recorded media.

Claim 27 further requires a literature card (68, page 8, line 21, FIG. 6) to be pressed (page 8, line 22) between the first and second halves (44) such that the literature card (68) is disposed between the disc-shaped items of recorded media when the disc-shaped items of recorded media are carried by the page halves (44).

#### Independent Claim 30

Claim 30 recites the structure of a CD or DVD storage container (reference numeral 10, specification page 3, lines 2-17) for holding multiple discs and for providing multiple locations for printed graphics (page 9, line 7). The container structure recited in claim 27 requires the container (10) to include a paperboard cover (20, page 5, line 11) having a front cover member (24, page 5, line 13), a rear cover member (26, page 5, line 13), and an



outer spine (28, page 5, line 13) disposed between the front (24) and rear (26) cover members. The spine (28) is a unitary body having an outer surface and an inner surface as shown in FIGS 7-10 with at least the outer surface of the outer spine (see FIGS 2 and 7-10) being exposed for viewing when the cover (20) is closed.

The front (24) and rear (26) cover members are moveable between open (FIGS. 3-4 and 7-11) and closed (FIGS. 1-2) positions (page 5, lines 15-17). The front (24) and rear (26) covers pivot (page 6, line 4) with respect to the outer spine (28) independent of the rigid page (22).

This claim also requires the container (10) to have a page (22, page 5, lines 11-12) having a structure (42, page 7, line 15) adapted to hold two items of recorded media on opposite sides of the page (22). The page (22) has at least one edge (70, page 9, line 12) and an outer perimeter (FIGS. 3, 4, and 11). The edge (70) of the page (22) is connected to the inner surface (FIGS. 7-10) of the outer spine (28) with an adhesive (72, page 9, line 14) to connect the page (22) to the cover (20).

Claim 30 requires the outer perimeter of the page (22) to be disposed directly between the front cover member (24) and the rear cover member (26) when the front and rear covers are closed on the page 22 as shown in FIG. 2.

#### Independent Claim 35

Claim 35 recites the structure of a CD or DVD storage container (reference numeral 10, specification page 3, lines 2-17) for holding multiple discs and for providing multiple locations for printed graphics (page 9, line 7). The container structure recited in claim 27 requires the container (10) to include a paperboard cover (20, page 5, line 11) having a front cover member (24, page 5, line 13), a rear cover member (26, page 5, line 13), and an outer spine (28, page 5, line 13) disposed between the front (24) and rear (26) cover members. The spine (28) is a unitary body having an outer surface and an inner surface as shown in FIGS 7-10 with at least the outer surface of the outer spine (see FIGS 2 and 7-10) being exposed for viewing when the cover (20) is closed.

This claim further requires the container (10) to have a substantially rigid page (22, page 5, lines 11-12) adapted to hold a pair of disc-shaped items of recorded media. The

page (22) has at least one edge (70, page 9, line 12) connected to the inner surface of the outer spine (28) with an adhesive (72, page 9, line 14) to connect the page (22) to the cover (20).

This claim further requires the page (22) to have first and second page halves (44, page 7, lines 18-22) with the first and second page halves (44) having been separately formed and joined together back-to-back (see FIG. 6, page 7, lines 18-20) to form the substantially rigid page. Each of the page halves (44) has a disc holding hub (42, page 7, line 15) adapted to hold a disc-shaped item of recorded media.

#### Dependent Claims

##### Claim 8

Claim 8 requires the page halves (44) to be connected with locking fingers (46, page 7, line 22 – page 8, line 7).

##### Claim 9

Claim 9 requires the page halves (44) to have a pocket (52, page 8, lines 6-7) associated with each locking finger (46) with each locking finger (46) disposed in one of the pockets (52) to protect the locking finger (46).

##### Claim 11

Claim 11 is a dependent claim that requires the page halves (44) to be connected together with a weld (60, page 8, line 10).

##### Claim 12

Claim 12 places a literature card (68, page 8, line 21) to be disposed between the page halves (44).

##### Claim 13

Claim 13 requires the page halves (44) to have planar rear portions (64) that abut the literature card (68). These allow the graphics on the card to be viewed when the discs are removed from the page.

Claim 14

Claim 14 defines the size of the planar portions of the page halves (44). The surface area of the planar portions must define a majority of the surface area of the page half.

Claim 15

Claim 15 requires one of the page halves to be transparent.

Claim 28

Claim 28 requires each of the page halves to have a planar portion (64) that surrounds the disc holding hub (42) with the literature card (68) visible through these portions.

Claim 31

Claim 31 requires each page to have page halves (44) that each has a disc holding hub (42). Claim 31 also requires the container to have a literature card (68) positioned between the hubs.

Claim 32

Claim 32 requires each of the page halves to have a planar portion (64) that surrounds the disc holding hub (42) with the literature card (68) visible through these portions.

Claim 34

Claim 34 is a dependent claim that requires the page halves (44) to be connected together with a weld (60, page 8, line 10).

Claim 36

Claim 36 is a dependent claim that requires each page half (44) to have a planar portion (64) that surrounds the disc holding hub (42).

Claim 37

Claim 37 is a dependent claim that requires the page halves (44) to be connected with locking fingers (46, page 7, line 22 – page 8, line 7).

Claim 39

Claim 39 is a dependent claim that requires the page halves (44) to be connected together with a weld (60, page 8, line 10).

**(vi) Grounds of rejection to be reviewed on appeal.**

Whether claims 7-15, 23, 27, 28, 30-32, and 34-39 are obvious under 35 U.S.C. § 103(a) in view of the combination of Hanselmann (U.S. Patent No. 1,186,312) with McKowen (U.S. Patent No. 3,244,436) and Widder (U.S. Patent No. 2,287,365).

**(vii) Argument.**

**Rejections of claims 7-15, 23, 27, 28, 30-32, and 34-39 as being obvious in view of the combination of Hanselmann (U.S. Patent No. 1,186,312) with McKowen (U.S. Patent No. 3,244,436) and Widder (U.S. Patent No. 2,287,365)**

**Independent Claim 7**

Claim 7 requires the container to have a rigid two-disc holding page (formed from two page halves) that defines an edge that is adhesively connected to the spine of paperboard cover. The rigid two-disc holding page allows the discs to be accessible from opposite sides of the page. Claim 7 also requires the edge of the page to define a V-shaped pocket that receives the adhesive that connects the page to the spine. Claim 7 specifically requires the V-shaped pocket to have an apex disposed between the sides of the page thus requiring the pocket to be indented into the body of the page.

The Office Action cites the Hanselmann disclosure as meeting most of the claim 7 limitations. Hanselmann discloses a record holder that has a plurality of flexible envelopes carried in a binder. The records are slid into the envelopes through an opening at the top of the envelope. The Office Action admits that Hanselmann does not disclose the V-shaped pocket recited in claim 7. The Office Action contends McKowen discloses "the edge of the page defining a pocket that is V-shaped in cross section to provide a pocket for the adhesive (figure 1)." Page 5 of the Office Action. The Applicant respectfully disagrees. Claim 7 requires the container to have (1) the edge of the page connected to the spine with an adhesive, (2) the edge of the page defining a pocket that is V-shaped in cross section to provide a pocket for the adhesive, and (3) the V-shaped pocket having an apex disposed directly between the first and second sides of the page. The Office Action does not specifically identify which elements of McKowen meet these claim 7 limitations. McKowen's FIG. 1 discloses a plurality of signatures (12) secured to a back fabric (16) with glue (18). The cited McKowen book binding does not disclose a V-shaped, adhesive-carrying pocket defined by the edge of the page. FIG. 1 of McKowen shows that the McKowen book pages are bundled and stitched together in groups of signatures (12). In

the book binding art, a "signature" is a large sheet printed with four or a multiple of four pages that when folded becomes a section of the book. McKowen thus discloses a plurality of book pages stitched together with only the central folded portion of the outer signature page engaging the adhesive (18). McKowen does not have a page edge connected to the spine with an adhesive. The V-shaped gaps disposed between the signatures (12) are not defined by "the edge of the page" as recited in claim 7. Each page of McKowen's structure thus does not have an edge that is V-shaped in cross section as required by claim 7. Claim 7 specifically requires the apex of the V-shaped pocket to be disposed directly between the first and second sides of the page to distinguish structures such as McKowen. In view of the foregoing, the Applicant submits the cited combination of references does not render claim 7 obvious.

The Applicant also respectfully traverses the rejection of claim 7 because the cited combination of references does not include the page structure recited in claim 7. Claim 7 requires the page (1) to be rigid, (2) to hold two items of recorded media with a structure disposed on one of the first and second sides of the page, and (3) to be formed from two page halves connected in a back to back arrangement so that two discs are accessible from opposite sides of each page. The Applicant also respectfully submits the preamble of this claim provides reference for the term "two discs" in claim 7 and should thus be considered. The Application respectfully submits the Hanselmann pages are not rigid. Hanselmann discloses paper envelopes. In the context of this application, the rigid pages of claim 7 function to provide the structure of the container and to protect the discs carried by the pages. Also, Hanselmann's pages do not have a structure adapted to hold the disc on the side of the page. Hanselmann holds the disk records inside its envelopes. Claim 7 thus requires the disc holding structure to be on the side of the page and requires access to the two discs from opposite sides of the page. Hanselmann's disk records must be slid out of the end of the envelope pages. Hanselmann's pages thus do not meet the claim 7 limitations. In view of the foregoing, the Applicant submits the cited combination of references does not render claim 7 obvious.

The Applicant thus respectfully submits independent claim 7, and its dependent claims, are patentable over the art.

#### Dependent Claim 8

The Applicant respectfully submits claim 8 is independently patentable. Claim 8 recites the locking finger structure that holds the page halves of claim 7 together. The Office Action identifies elements D3, D4, and D5 as being the recited locking fingers. The Applicant respectfully disagrees. The D3, D4, and D5 elements are folded flaps that receive adhesive. The D3, D4, and D5 flaps do not lock the page halves together. Hanselmann uses adhesive (gummed surface, Col. 2, line 34) to hold the front cover of the envelope to the rear cover of the envelope. There are no locking finger structures in Hanselmann that connected the page halves together. The Applicant thus respectfully submits claim 8 is not obvious in view of the cited combination of references.

#### Dependent Claim 9

The Applicant respectfully submits claim 9 is independently patentable. Claim 9 requires each locking finger to be disposed in a pocket to protect the locking finger. The Office Action identifies the entire structure of the page halves (D1 and D2) to meet the "pocket" limitation of claim 9 and has cited (as noted above) the D3, D4, and D5 folded flaps as the locking fingers. If this is true, then FIG. 5 of Hanselmann clearly shows that the D5 flap is exposed on the exterior of the Hanselmann envelope and not disposed in a pocket. Hanselmann thus does not position each of its flaps (D3, D4, and D5) in a pocket as required by claim 9.

#### Dependent Claim 11

The Office Action considers the "weld" limitation of claim 11 to be a method limitation. The Applicant respectfully disagrees. Claim 11 recites a weld structure that connects the two page halves. The claim uses the term "weld" as a noun in the same manner as one would use the term "bolt." The Applicant respectfully submits the cited combination of references does not render claim 11 obvious in that one of ordinary skill in the art would not use a weld to connect the pages of the three cited references.



#### Dependent Claim 12

On page 6 of the Office Action, the labels on a phonographic disk records are cited as meeting the "literature card" limitation of claim 12 Office Action. The Applicant respectfully submits the structure recited in claim 12 is not met by the cited arrangement in Hanselmann. As explained above with reference to claim 7, the structure of claim 12 requires the disc holding structure to be on the side of the page and to provide access to the discs on opposite sides of each page. The Office Action has now cited the labels on the Hanselmann disc records to meet the literature card limitation of claim 12 while not explaining how these labels are both "between the page halves" as recited in claim 12 and "on the side of the page" and accessible from the side of the page as required by claim 7. The Applicant believes the Office Action is citing a single location in the Hanselmann reference to meet two different locations in the device of the claims. The Applicant respectfully submits Hanselmann does not disclose, teach, or suggest the literature card of claim 12. The structure of claim 12 is thus independently patentable over the cited combination of references.

#### Dependent Claim 13

On page 6 of the Office Action admits that Hanselmann defines an opening for viewing the title of the record held by the Hanselmann envelope. If the printed label of the Hanselmann record is the literature card recited in claim 12, then the Hanselmann envelopes do not have the rear surfaces that abut the literature card as required in claim 13 because the Office Action admits that these portions of the Hanselmann pages are openings. The Applicant respectfully submits Hanselmann does not disclose, teach, or suggest the abutting rear portions of the page halves as recited in claim 13. The structure of claim 13 is thus independently patentable over the cited combination of references.

#### Dependent Claim 14

The Office Action does not explain how the cited combination of references renders claim 14 obvious. The Office Action has thus failed to establish a prima facie case of

obviousness with respect to claim 14. The structure of claim 14 is thus independently patentable over the cited combination of references.

#### Dependent Claim 15

The Office Action concludes that the paper pages of Hanselmann are substantially transparent because they define openings that allow the user to view the printed material on the disk records. The Applicant respectfully traverses this interpretation of claim 15. Claim 15 requires a page half to be substantially transparent. If the Hanselmann page halves were substantially transparent, then Hanselmann would not need to cut a viewing window in the page. Although one can see through the opening, this does not mean that the page half is transparent. Claim 15 is independently patentable over the cited combination of references.

#### Independent Claim 27

Claim 27 defines the relationship of the literature page and the page halves in the storage container. Claim 27 requires the literature page to be pressed between the page halves of a page that is adhesively connected at its edge to the inner surface of an outer spine of a paperboard cover. The Applicant respectfully traverses the rejection of claim 27 because the cited combination of references does not disclose, teach, or suggest the following elements alone or in combination: (1) a substantially rigid page formed from page halves that each have a disc holding hub adapted to hold a disc-shaped item of recorded media; (2) a literature page pressed between page halves; and (3) page edges adhesively connected to the inner surface of the outer spine with an adhesive to connect the page to the cover.

Hanselmann does not disclose a rigid page formed from page halves that each having a disc holding hub adapted to hold a disc-shaped item of recorded media. As discussed above, the Hanselmann pages are not rigid. The Hanselmann page halves do not have disc holding hubs. On page 4, line 3, of the Office Action, the entire page of Hanselmann is deemed to be the disc holding hub of claim 27. The Applicant respectfully traverses this interpretation of claim 27 and Hanselmann. Claim 27 requires the rigid page

to have page halves and that each page half have a disc holding hub. If the entire Hanselmann page is deemed to be the disc holding hub of claim 27, then Hanselmann does not have page halves. Disc holding hubs engage the center openings of a disc to hold the disc on a structure. Hanselmann has not such structure.

Hanselmann also does not have a literature page pressed between the page halves. The Office Action cited the printed labels on the Hanselmann records as meeting the literature card limitation of claim 27. Note, however, that claim 27 requires this literature card to be pressed between the page halves. The Hanselmann record labels do not meet the literature card claim limitation because the Hanselmann records that carry the labels are not pressed between the Hanselmann page halves. The Hanselmann page halves allow these records to slide out of the Hanselmann envelopes.

The Applicant also respectfully submits the cited combination of references does not disclose rigid disc holding pages having edges that are connected to the inner surface of the outer spine with adhesive. The Office Action admits that Hanselmann fails to disclose its page edges are attached to the spine with adhesive (Page 5 of the Office Action) and cites the disclosure of Widder to teach the adhesive edge arrangement. The Applicant respectfully disagrees. The Widder material cited in the Office Action depicts an arrangement wherein the edges of the Widder envelopes (30) do not even touch the inner surface of the Widder base support (31) as shown in FIGS. 5 and 7. FIG. 7 of Widder unmistakably depicts an arrangement wherein the Widder page edges are not connected with adhesive. The cited combination of references thus does not disclose, teach, or suggest the invention of claim 27.

#### Dependent Claim 28

Page 6 of the Office Action admits that Hanselmann defines an opening for viewing the printed label of the record held by the Hanselmann envelope. Claim 28 requires the page halves to have planar portions that surround the disc holding hub with the literature card being visible through the planar portions of the page halves. If the printed label of the Hanselmann record is the literature card recited in claim 27, then the Hanselmann envelopes do not have the planar portions that surround the disc holding hubs with a

substantial portion of the literature card being visible through the planar portions of the page halves. The Office Action has already cited the entire envelope structure of Hanselmann to be the disc holding hub and the Office Action does not explain which portions of the Hanselmann envelopes surround these hubs with a substantial portion of the literature card being visible through the planar portions of the page halves. The structure of claim 28 is thus independently patentable over the cited combination of references.

#### Independent Claim 30

Claim 30 requires a CD or DVD storage container to have a paperboard cover and a page connected to the inner surface of the outer spine with an adhesive to connect the edge of the page to the cover. Claim 30 also requires the outer perimeter of the page to be disposed directly between the front cover member and the rear cover member when the front and rear covers are closed on the page. Further, claim 30 requires the page to have a structure adapted to hold two items of recorded media on opposite sides of the page. The Applicant respectfully traverses the rejection of claim 30 because the cited combination of references do not connect two disc, disc-holding page edges to a spine with adhesive wherein the outer perimeter of the page is disposed directly between the front and rear paperboard cover members when the front and rear cover members are closed on the page. Hanselmann does not disclose the recited page having the structure that holds the two items of recorded media on opposite sides of the page. Also, as explained above with respect to claim 27, the Office Action admits that Hanselmann does not disclose the edge of the page connected to the spine with an adhesive. The Office Action cites Widder to disclose this limitation but Widder does not disclose page edges connected to the spine with adhesive. The cited combination thus does not disclose recited page arrangement.

#### Dependent Claim 31

The Applicant respectfully submits claim 31 is independently patentable over the cited references. Claim 31 requires the page to have disc holding hubs and a literature card disposed between the disc-shaped items of record media when the disc-shaped items of recorded media are carried by the page halves. The cited combination of references

does not disclose disc holding hubs, the page halves as arranged in this claim, and the literature card disposed between the page halves.

#### Dependent Claim 32

The Applicant respectfully submits claim 32 is independently patentable over the cited references. Claim 32 requires the page to have planar portions that surround the disc holding hub with the literature card being visible through the planar portions of the page halves. If the printed label of the Hanselmann record is the literature card recited in claim 31, then the Hanselmann envelopes do not have the planar portions that surround the disc holding hubs with a substantial portion of the literature card being visible through the planar portions of the page halves. The Office Action has already cited the entire envelope structure of Hanselmann to be the disc holding hub and the Office Action does not explain which portions of the Hanselmann envelopes surround these hubs with a substantial portion of the literature card being visible through the planar portions of the page halves. The structure of claim 32 is thus independently patentable over the cited combination of references.

#### Dependent Claim 34

The Office Action considers the "weld" limitation of claim 34 to be a method limitation. The Applicant respectfully disagrees. Claim 34 recites a weld structure that connects the two page halves. The claim uses the term "weld" as a noun in the same manner as one would use the term "bolt." The Applicant respectfully submits the cited combination of references does not render claim 34 obvious in that one of ordinary skill in the art would not use a weld to connect the pages of the three cited references.

#### Independent Claim 35

Claim 35 requires a CD or DVD storage container to have a paperboard cover and a page having at least one edge connected to the inner surface of the outer spine with an adhesive to connect the page to the cover. The claim further requires the page to have first and second page halves with the first and second page halves having been separately

formed and joined together back-to-back to form the substantially rigid page. Each of the page halves has a disc holding hub adapted to hold a disc-shaped item of recorded media. The Applicant respectfully submits the cited combination of references does not disclose, teach, or suggest these limitations.

As discussed above, the cited combination of references does not disclose, teach, or suggest a page arrangement where the edge of the page is connected to the inner surface of the spine with an adhesive. As also noted above, the cited combination of references does not disclose, teach, or suggest the recited page structure wherein the rigid page has the page halves that have the disc holding hubs.

#### Dependent Claim 36

The Applicant respectfully submits claim 36 is independently patentable over the cited references. Claim 36 requires the planar portions that surround the disc hubs. As discussed above, the cited combination of references does not disclose, teach, or suggest the recited planar portions.

#### Dependent Claim 37

The Applicant respectfully submits claim 37 is independently patentable over the cited references. Claim 37 recites the locking finger structure that holds the page halves together. The Office Action identifies elements D3, D4, and D5 as being the recited locking fingers. The Applicant respectfully disagrees. The D3, D4, and D5 elements are folded flaps that receive adhesive. The D3, D4, and D5 flaps do not lock the page halves together. Hanselmann uses adhesive (gummed surface, Col. 2, line 34) to hold the front cover of the envelope to the rear cover of the envelope. There are no locking finger structures in Hanselmann that connected the page halves together.

#### Dependent Claim 39

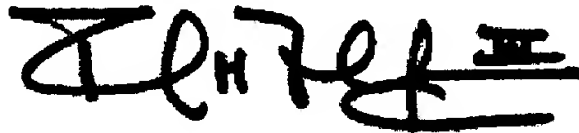
The Office Action considers the "weld" limitation of claim 39 to be a method limitation. The Applicant respectfully disagrees. Claim 39 recites a weld structure that connects the two page halves. The claim uses the term "weld" as a noun in the same

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manner as one would use the term "bolt." The Applicant respectfully submits the cited combination of references does not render claim 39 obvious in that one of ordinary skill in the art would not use a weld to connect the pages of the three cited references.

### Conclusion

As described in detail above, the Applicant submits the Examiner has failed to establish prima facie cases of obviousness. The Applicant respectfully requests a decision in favor of the allowability of the claims.



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Fred H. Zollinger, III  
Reg. No. 39,438

**(viii) Claims Appendix**

1-6. (Canceled)

7. (Previously presented) A CD or DVD storage container for holding multiple discs and for providing multiple locations for printed graphics; the storage container comprising:

- a cover having a front cover member, a rear cover member, and a spine disposed between the front and rear cover members;

- at least one page having a structure adapted to hold at least one item of recorded media; the page having first and second side surfaces; the structure adapted to hold at least one item of recorded media disposed on one of the first and second sides of the page;

- the at least one page having at least one edge;

- the edge of the page being connected to the spine with an adhesive to connect the page to the cover;

- the front and rear cover members being moveable between open and closed positions;

- each page being adapted to hold two items of recorded media;

- each page including being formed from two page halves that are connected together in a back to back arrangement so that two discs are accessible from opposite sides of each page;

- each page being substantially rigid;

- the cover being fabricated from paperboard; and

- the edge of the page defining a pocket that is V-shaped in cross section to provide a pocket for the adhesive; the V-shaped pocket having an apex disposed directly between the first and second sides of the page.

8. (Previously presented) The storage container of claim 7, wherein the page halves are connected together with locking fingers.



9. (Previously presented) The storage container of claim 8, wherein the page halves define a pocket associated with each locking finger; and each locking finger is disposed in one of the pockets to protect the locking finger.

10. (Previously presented) The storage container of claim 7, wherein the page halves are connected together with adhesive.

11. (Previously presented) The storage container of claim 7, wherein the page halves are connected together with a weld.

12. (Previously presented) The storage container of claim 7, further comprising a literature card disposed between the page halves.

13. (Original) The storage container of claim 12, wherein each page half includes a rear surface; the rear surface of each page half including planar portions that abut the literature card.

14. (Original) The storage container of claim 13, wherein the rear surface of each page half has a surface area; the planar portions defining a majority of the surface area of the page half.

15. (Original) The storage container of claim 13, wherein at least one of the page halves is substantially transparent.

16-22. (Canceled)

23. (Previously presented) The storage container of claim 27, wherein the front and rear covers pivot with respect to the outer spine independent of the rigid page.

24-26. (Canceled)

27. (Previously presented) A CD or DVD storage container for holding multiple discs and for providing multiple locations for printed graphics; the storage container comprising:

- a paperboard cover having a front cover member, a rear cover member, and an outer spine disposed between the front and rear cover members; the spine being a unitary body having an outer surface and an inner surface;

- at least the outer surface of the outer spine being exposed for viewing when the cover is closed;

- a substantially rigid page adapted to hold a pair of disc-shaped items of recorded media;

- the page having at least one edge connected to the inner surface of the outer spine with an adhesive to connect the page to the cover;

- the page having first and second page halves; the first and second page halves having been separately formed and joined together back-to-back to form the substantially rigid page; each of the page halves having a disc holding hub adapted to hold a disc-shaped item of recorded media; and

- a literature card being pressed between the first and second halves such that the literature card is disposed between the disc-shaped items of recorded media when the disc-shaped items of recorded media are carried by the page halves.

28. (Previously presented) The storage container of claim 27, wherein each page half includes a planar portion surrounding the disc holding hub; a substantial portion of the literature card being visible through the planar portions of the page halves.

29. (Canceled)

30. (Previously presented) A CD or DVD storage container for holding multiple discs and for providing multiple locations for printed graphics; the storage container comprising:

- a paperboard cover having a front cover member, a rear cover member, and an outer spine disposed between the front and rear cover members; the spine being a unitary body having an outer surface and an inner surface, the outer surface of the outer spine being exposed for viewing when the cover is closed;

- the front and rear cover members being moveable between open and closed positions;

- a page having a structure adapted to hold two items of recorded media on opposite sides of the page;

- the page having at least one edge and an outer perimeter;

- the edge of the page being connected to the inner surface of the outer spine with an adhesive to connect the page to the cover;

- the front and rear covers being pivotable with respect to the outer spine independent of the rigid page; and

- the outer perimeter of the page being disposed directly between the front cover member and the rear cover member when the front and rear covers are closed on the page.

31. (Previously presented) The storage container of claim 30, wherein the page has first and second page halves; the first and second page halves having been separately formed and joined together to form the page; each of the page halves having a disc holding hub adapted to hold a disc-shaped item of recorded media; and

- a literature card being disposed between the first and second halves such that the literature card is disposed between the disc-shaped items of recorded media when the disc-shaped items of recorded media are carried by the page halves.

32. (Previously presented) The storage container of claim 30, wherein each page half includes a planar portion surrounding the disc holding hub; a substantial portion of the literature card being visible through the planar portions of the page halves.

33. (Canceled)

34. (Previously presented) The storage container of claim 32, wherein the page halves are connected together with a weld.

35. (Previously presented) A CD or DVD storage container for holding multiple discs and for providing multiple locations for printed graphics; the storage container comprising:

- a paperboard cover having a front cover member, a rear cover member, and an outer spine disposed between the front and rear cover members; the spine being a unitary body having an outer surface and an inner surface;

- at least the outer surface of the outer spine being exposed for viewing when the cover is closed;

- a substantially rigid page adapted to hold a pair of disc-shaped items of recorded media;

- the page having at least one edge connected to the inner surface of the outer spine with an adhesive to connect the page to the cover; and

- the page having first and second page halves; the first and second page halves having been separately formed and joined together back-to-back to form the substantially rigid page; each of the page halves having a disc holding hub adapted to hold a disc-shaped item of recorded media.

36. (Previously presented) The storage container of claim 35, wherein each page half includes a planar portion surrounding the disc holding hub.

37. (Previously presented) The storage container of claim 35, wherein the page halves are connected together with locking fingers.

38. (Previously presented) The storage container of claim 35, wherein the page halves are connected together with adhesive.

39. (Previously presented) The storage container of claim 35, wherein the page halves are connected together with a weld.

**(ix) Evidence Appendix**

None.

**(x) Related proceedings**

None.